

104TH CONGRESS
1ST SESSION

S. 101

To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. WELLSTONE, Mr. FEINGOLD, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—LOBBYING**
4 **DISCLOSURE**

5 **SECTION 101. SHORT TITLE.**

6 This title may be cited as the “Lobbying Disclosure
7 Act of 1995”.

8 **SEC. 102. FINDINGS.**

9 The Congress finds that—

1 (1) responsible representative Government re-
2 quires public awareness of the efforts of paid lobby-
3 ists to influence the public decisionmaking process in
4 both the legislative and executive branches of the
5 Federal Government;

6 (2) existing lobbying disclosure statutes have
7 been ineffective because of unclear statutory lan-
8 guage, weak administrative and enforcement provi-
9 sions, and an absence of clear guidance as to who
10 is required to register and what they are required to
11 disclose; and

12 (3) the effective public disclosure of the identity
13 and extent of the efforts of paid lobbyists to influ-
14 ence Federal officials in the conduct of Government
15 actions will increase public confidence in the integ-
16 rity of Government.

17 **SEC. 103. DEFINITIONS.**

18 As used in this title:

19 (1) AGENCY.—The term “agency” has the
20 meaning given that term in section 551(1) of title 5,
21 United States Code.

22 (2) CLIENT.—The term “client” means any
23 person or entity that employs or retains another per-
24 son for financial or other compensation to conduct
25 lobbying activities on behalf of that person or entity.

1 A person or entity whose employees act as lobbyists
2 on its own behalf is both a client and an employer
3 of such employees. In the case of a coalition or asso-
4 ciation that employs or retains other persons to con-
5 duct lobbying activities, the client is the coalition or
6 association and not its individual members.

7 (3) COVERED EXECUTIVE BRANCH OFFICIAL.—
8 The term “covered executive branch official”
9 means—

10 (A) the President;

11 (B) the Vice President;

12 (C) any officer or employee, or any other
13 individual functioning in the capacity of such
14 an officer or employee, in the Executive Office
15 of the President;

16 (D) any officer or employee serving in a
17 position in level I, II, III, IV, or V of the Exec-
18 utive Schedule, as designated by statute or Ex-
19 ecutive order;

20 (E) any officer or employee serving in a
21 Senior Executive Service position, as defined in
22 section 3132(a)(2) of title 5, United States
23 Code;

1 (F) any member of the uniformed services
2 whose pay grade is at or above O-7 under sec-
3 tion 201 of title 37, United States Code; and

4 (G) any officer or employee serving in a
5 position of a confidential, policy-determining,
6 policy-making, or policy-advocating character
7 described in section 7511(b)(2) of title 5, Unit-
8 ed States Code.

9 (4) COVERED LEGISLATIVE BRANCH OFFI-
10 CIAL.—The term “covered legislative branch official”
11 means—

12 (A) a Member of Congress;

13 (B) an elected officer of either House of
14 Congress;

15 (C) any employee of, or any other individ-
16 ual functioning in the capacity of an employee
17 of—

18 (i) a Member of Congress;

19 (ii) a committee of either House of
20 Congress;

21 (iii) the leadership staff of the House
22 of Representatives or the leadership staff
23 of the Senate;

24 (iv) a joint committee of Congress;
25 and

1 (v) a working group or caucus orga-
2 nized to provide legislative services or
3 other assistance to Members of Congress;
4 and

5 (D) any other legislative branch employee
6 serving in a position described under section
7 109(13) of the Ethics in Government Act of
8 1978 (5 U.S.C. App.).

9 (5) DIRECTOR.—The term “Director” means
10 the Director of the Office of Lobbying Registration
11 and Public Disclosure.

12 (6) EMPLOYEE.—The term “employee” means
13 any individual who is an officer, employee, partner,
14 director, or proprietor of a person or entity, but does
15 not include—

16 (A) independent contractors; or

17 (B) volunteers who receive no financial or
18 other compensation from the person or entity
19 for their services.

20 (7) FOREIGN ENTITY.—The term “foreign en-
21 tity” means a foreign principal (as defined in section
22 1(b) of the Foreign Agents Registration Act of 1938
23 (22 U.S.C. 611(b)).

24 (8) LOBBYING ACTIVITIES.—The term “lobby-
25 ing activities” means lobbying contacts and efforts

1 in support of such contacts, including preparation
2 and planning activities, research and other back-
3 ground work that is intended, at the time it is per-
4 formed, for use in contacts, and coordination with
5 the lobbying activities of others. Lobbying activities
6 also include efforts to stimulate grassroots lobbying,
7 as described in section 4911(d)(1)(A) of the Internal
8 Revenue Code of 1986, to the extent that such com-
9 munications are made in support of a lobbying con-
10 tact by a registered lobbyist. A communication in
11 support of a lobbying contact is a lobbying activity
12 even if the communication is excluded from the defi-
13 nition of “lobbying contact” under paragraph
14 (9)(B).

15 (9) LOBBYING CONTACT.—

16 (A) DEFINITION.—The term “lobbying
17 contact” means any oral or written communica-
18 tion (including an electronic communication) to
19 a covered executive branch official or a covered
20 legislative branch official that is made on behalf
21 of a client with regard to—

22 (i) the formulation, modification, or
23 adoption of Federal legislation (including
24 legislative proposals);

1 (ii) the formulation, modification, or
2 adoption of a Federal rule, regulation, Ex-
3 ecutive order, or any other program, policy,
4 or position of the United States Govern-
5 ment;

6 (iii) the administration or execution of
7 a Federal program or policy (including the
8 negotiation, award, or administration of a
9 Federal contract, grant, loan, permit, or li-
10 cense), except that this clause does not in-
11 clude communications that are made to
12 any covered executive branch official—

13 (I) who is serving in a Senior Ex-
14 ecutive Service position described in
15 paragraph (3)(E); or

16 (II) who is a member of the uni-
17 formed services whose pay grade is
18 lower than O-9 under section 201 of
19 title 37, United States Code,
20 in the agency responsible for taking such
21 administrative or executive action; or

22 (iv) the nomination or confirmation of
23 a person for a position subject to confirma-
24 tion by the Senate.

1 (B) EXCEPTIONS.—The term “lobbying
2 contact” does not include a communication that
3 is—

4 (i) made by a public official acting in
5 the public official’s official capacity;

6 (ii) made by a representative of a
7 media organization if the purpose of the
8 communication is gathering and dissemi-
9 nating news and information to the public;

10 (iii) made in a speech, article, publica-
11 tion or other material that is widely dis-
12 tributed to the public, or through radio,
13 television, cable television, or other medium
14 of mass communication;

15 (iv) made on behalf of a government
16 of a foreign country or a foreign political
17 party and disclosed under the Foreign
18 Agents Registration Act of 1938 (22
19 U.S.C. 611 et seq.);

20 (v) a request for a meeting, a request
21 for the status of an action, or any other
22 similar administrative request, if the re-
23 quest does not include an attempt to influ-
24 ence a covered executive branch official or
25 a covered legislative branch official;

1 (vi) made in the course of participa-
2 tion in an advisory committee subject to
3 the Federal Advisory Committee Act;

4 (vii) testimony given before a commit-
5 tee, subcommittee, or task force of the
6 Congress, or submitted for inclusion in the
7 public record of a hearing conducted by
8 such committee, subcommittee, or task
9 force;

10 (viii) information provided in writing
11 in response to a written request by a cov-
12 ered executive branch official or a covered
13 legislative branch official for specific infor-
14 mation;

15 (ix) required by subpoena, civil inves-
16 tigative demand, or otherwise compelled by
17 statute, regulation, or other action of the
18 Congress or an agency;

19 (x) made in response to a notice in
20 the Federal Register, Commerce Business
21 Daily, or other similar publication solicit-
22 ing communications from the public and
23 directed to the agency official specifically
24 designated in the notice to receive such
25 communications;

1 (xi) not possible to report without dis-
2 closing information, the unauthorized dis-
3 closure of which is prohibited by law;

4 (xii) made to an official in an agency
5 with regard to—

6 (I) a judicial proceeding or a
7 criminal or civil law enforcement in-
8 quiry, investigation, or proceeding; or

9 (II) a filing or proceeding that
10 the Government is specifically re-
11 quired by statute or regulation to
12 maintain or conduct on a confidential
13 basis,

14 if that agency is charged with responsibil-
15 ity for such proceeding, inquiry, investiga-
16 tion, or filing;

17 (xiii) made in compliance with written
18 agency procedures regarding an adjudica-
19 tion conducted by the agency under section
20 554 of title 5, United States Code, or sub-
21 stantially similar provisions;

22 (xiv) a written comment filed in the
23 course of a public proceeding or any other
24 communication that is made on the record
25 in a public proceeding;

1 (xv) a petition for agency action made
2 in writing and required to be a matter of
3 public record pursuant to established agen-
4 cy procedures;

5 (xvi) made on behalf of an individual
6 with regard to that individual's benefits,
7 employment, or other personal matters in-
8 volving only that individual, except that
9 this clause does not apply to any commu-
10 nication with—

11 (I) a covered executive branch of-
12 ficial, or

13 (II) a covered legislative branch
14 official (other than the individual's
15 elected Members of Congress or em-
16 ployees who work under such Mem-
17 bers' direct supervision),
18 with respect to the formulation, modifica-
19 tion, or adoption of private legislation for
20 the relief of that individual;

21 (xvii) a disclosure by an individual
22 that is protected under the amendments
23 made by the Whistleblower Protection Act
24 of 1989, under the Inspector General Act
25 of 1978, or under another provision of law;

1 (xviii) made by—

2 (I) a church, its integrated auxil-
3 iary, or a convention or association of
4 churches that is exempt from filing a
5 Federal income tax return under
6 paragraph 2(A)(i) of section 6033(a)
7 of the Internal Revenue Code of 1986,
8 or

9 (II) a religious order that is ex-
10 empt from filing a Federal income tax
11 return under paragraph (2)(A)(iii) of
12 such section 6033(a); and

13 (xix) between—

14 (I) officials of a self-regulatory
15 organization (as defined in section
16 3(a)(26) of the Securities Exchange
17 Act) that is registered with or estab-
18 lished by the Securities and Exchange
19 Commission as required by that Act
20 or a similar organization that is des-
21 ignated by or registered with the
22 Commodities Future Trading Com-
23 mission as provided under the Com-
24modity Exchange Act; and

1 (II) the Securities and Exchange
2 Commission or the Commodities Fu-
3 ture Trading Commission, respec-
4 tively;

5 relating to the regulatory responsibilities of
6 such organization under that Act.

7 (10) LOBBYING FIRM.—The term “lobbying
8 firm” means a person or entity that has 1 or more
9 employees who are lobbyists on behalf of a client
10 other than that person or entity. The term also in-
11 cludes a self-employed individual who is a lobbyist.

12 (11) LOBBYIST.—The term “lobbyist” means
13 any individual who is employed or retained by a cli-
14 ent for financial or other compensation for services
15 that include 1 or more lobbying contacts, other than
16 an individual whose lobbying activities constitute less
17 than 10 percent of the time engaged in the services
18 provided by such individual to that client.

19 (12) MEDIA ORGANIZATION.—The term “media
20 organization” means a person or entity engaged in
21 disseminating information to the general public
22 through a newspaper, magazine, other publication,
23 radio, television, cable television, or other medium of
24 mass communication.

1 (13) MEMBER OF CONGRESS.—The term
2 “Member of Congress” means a Senator or a Rep-
3 resentative in, or Delegate or Resident Commis-
4 sioner to, the Congress.

5 (14) ORGANIZATION.—The term “organization”
6 means a person or entity other than an individual.

7 (15) PERSON OR ENTITY.—The term “person
8 or entity” means any individual, corporation, com-
9 pany, foundation, association, labor organization,
10 firm, partnership, society, joint stock company,
11 group of organizations, or State or local government.

12 (16) PUBLIC OFFICIAL.—The term “public offi-
13 cial” means any elected official, appointed official, or
14 employee of—

15 (A) a Federal, State, or local unit of gov-
16 ernment in the United States other than—

17 (i) a college or university;

18 (ii) a government-sponsored enterprise
19 (as defined in section 3(8) of the Congres-
20 sional Budget and Impoundment Control
21 Act of 1974);

22 (iii) a public utility that provides gas,
23 electricity, water, or communications;

24 (iv) a guaranty agency (as defined in
25 section 435(j) of the Higher Education Act

1 of 1965 (20 U.S.C. 1085(j))), including
2 any affiliate of such an agency; or

3 (v) an agency of any State functioning
4 as a student loan secondary market pursu-
5 ant to section 435(d)(1)(F) of the Higher
6 Education Act of 1965 (20 U.S.C.
7 1085(d)(1)(F));

8 (B) a Government corporation (as defined
9 in section 9101 of title 31, United States
10 Code);

11 (C) an organization of State or local elect-
12 ed or appointed officials other than officials of
13 an entity described in clause (i), (ii), (iii), (iv),
14 or (v) of subparagraph (A);

15 (D) an Indian tribe (as defined in section
16 4(e) of the Indian Self-Determination and Edu-
17 cation Assistance Act (25 U.S.C. 450b(e));

18 (E) a national or State political party or
19 any organizational unit thereof; or

20 (F) a national, regional, or local unit of
21 any foreign government.

22 (17) STATE.—The term “State” means each of
23 the several States, the District of Columbia, and any
24 commonwealth, territory, or possession of the United
25 States.

1 **SEC. 104. REGISTRATION OF LOBBYISTS.**

2 (a) REGISTRATION.—

3 (1) GENERAL RULE.—No later than 30 days
4 after a lobbyist first makes a lobbying contact or is
5 employed or retained to make a lobbying contact,
6 whichever is earlier, such lobbyist (or, as provided
7 under paragraph (2), the organization employing
8 such lobbyist), shall register with the Office of Lob-
9 bying Registration and Public Disclosure.

10 (2) EMPLOYER FILING.—Any organization that
11 has 1 or more employees who are lobbyists shall file
12 a single registration under this section on behalf of
13 such employees for each client on whose behalf the
14 employees act as lobbyists.

15 (3) EXEMPTION.—

16 (A) GENERAL RULE.—Notwithstanding
17 paragraphs (1) and (2), a person or entity
18 whose—

19 (i) total income for matters related to
20 lobbying activities on behalf of a particular
21 client (in the case of a lobbying firm) does
22 not exceed and is not expected to exceed
23 \$2,500; or

24 (ii) total expenses in connection with
25 lobbying activities (in the case of an orga-
26 nization whose employees engage in lobby-

1 ing activities on its own behalf) do not ex-
2 ceed or are not expected to exceed \$5,000,
3 (as estimated under section 105) in the semi-
4 annual period described in section 105(a) dur-
5 ing which the registration would be made is not
6 required to register under subsection (a) with
7 respect to such client.

8 (B) ADJUSTMENT.—The dollar amounts in
9 subparagraph (A) shall be adjusted—

10 (i) on January 1, 1997, to reflect
11 changes in the Consumer Price Index (as
12 determined by the Secretary of Labor)
13 since the date of enactment of this title;
14 and

15 (ii) on January 1 of each fourth year
16 occurring after January 1, 1997, to reflect
17 changes in the Consumer Price Index (as
18 determined by the Secretary of Labor)
19 during the preceding 4-year period,

20 rounded to the nearest \$500.

21 (b) CONTENTS OF REGISTRATION.—Each registra-
22 tion under this section shall be in such form as the Direc-
23 tor shall prescribe by regulation and shall contain—

24 (1) the name, address, business telephone num-
25 ber, and principal place of business of the registrant,

1 and a general description of its business or activi-
2 ties;

3 (2) the name, address, and principal place of
4 business of the registrant's client, and a general de-
5 scription of its business or activities (if different
6 from paragraph (1));

7 (3) the name, address, and principal place of
8 business of any organization, other than the client,
9 that—

10 (A) contributes more than \$5,000 toward
11 the lobbying activities of the registrant in a
12 semiannual period described in section 105(a);
13 and

14 (B) participates significantly in the plan-
15 ning, supervision, or control of such lobbying
16 activities;

17 (4) the name, address, principal place of busi-
18 ness, amount of any contribution of more than
19 \$5,000 to the lobbying activities of the registrant,
20 and approximate percentage of equitable ownership
21 in the client (if any) of any foreign entity that—

22 (A) holds at least 20 percent equitable
23 ownership in the client or any organization
24 identified under paragraph (3);

1 (B) directly or indirectly, in whole or in
2 major part, plans, supervises, controls, directs,
3 finances, or subsidizes the activities of the cli-
4 ent or any organization identified under para-
5 graph (3); or

6 (C) is an affiliate of the client or any orga-
7 nization identified under paragraph (3) and has
8 a direct interest in the outcome of the lobbying
9 activity;

10 (5) a statement of—

11 (A) the general issue areas in which the
12 registrant expects to engage in lobbying activi-
13 ties on behalf of the client; and

14 (B) to the extent practicable, specific is-
15 sues that have (as of the date of the registra-
16 tion) already been addressed or are likely to be
17 addressed in lobbying activities; and

18 (6) the name of each employee of the registrant
19 who has acted or whom the registrant expects to act
20 as a lobbyist on behalf of the client and, if any such
21 employee has served as a covered executive branch
22 official or a covered legislative branch official in the
23 2 years before the date on which such employee first
24 acted (after the date of enactment of this Act) as a

1 lobbyist on behalf of the client, the position in which
2 such employee served.

3 (c) GUIDELINES FOR REGISTRATION.—

4 (1) MULTIPLE CLIENTS.—In the case of a reg-
5 istrant making lobbying contacts on behalf of more
6 than 1 client, a separate registration under this sec-
7 tion shall be filed for each such client.

8 (2) MULTIPLE CONTACTS.—A registrant who
9 makes more than 1 lobbying contact for the same
10 client shall file a single registration covering all such
11 lobbying contacts.

12 (d) TERMINATION OF REGISTRATION.—A registrant
13 who after registration—

14 (1) is no longer employed or retained by a cli-
15 ent to conduct lobbying activities, and

16 (2) does not anticipate any additional lobbying
17 activities for such client,

18 may so notify the Director and terminate its registration.

19 **SEC. 105. REPORTS BY REGISTERED LOBBYISTS.**

20 (a) SEMIANNUAL REPORT.—

21 (1) IN GENERAL.—No later than 30 days after
22 the end of the semiannual period beginning on the
23 first day of each January and the first day of July
24 of each year in which a registrant is registered
25 under section 104, each registrant shall file a report

1 with the Office of Lobbying Registration and Public
2 Disclosure on its lobbying activities during such
3 semiannual period. A separate report shall be filed
4 for each client of the registrant.

5 (2) EXEMPTION.—

6 (A) GENERAL RULE.—Any registrant
7 whose—

8 (i) total income for a particular client
9 for matters that are related to lobbying ac-
10 tivities on behalf of that client (in the case
11 of a lobbying firm), does not exceed and is
12 not expected to exceed \$2,500; or

13 (ii) total expenses in connection with
14 lobbying activities (in the case of a reg-
15 istrant whose employees engage in lobbying
16 activities on its own behalf) do not exceed
17 and are not expected to exceed \$5,000,

18 in a semiannual period (as estimated under
19 paragraph (3) or (4) of subsection (b) or para-
20 graph (4) of subsection (c), as applicable) is
21 deemed to be inactive during such period and
22 may comply with the reporting requirements of
23 this section by so notifying the Director in such
24 form as the Director may prescribe.

1 (B) ADJUSTMENT.—The dollar amounts in
2 subparagraph (A) shall be adjusted as provided
3 in section 104(a)(3)(B).

4 (b) CONTENTS OF REPORT.—Each semiannual re-
5 port filed under subsection (a) shall be in such form as
6 the Director shall prescribe by regulation and shall con-
7 tain—

8 (1) the name of the registrant, the name of the
9 client, and any changes or updates to the informa-
10 tion provided in the initial registration;

11 (2) for each general issue area in which the reg-
12 istrant engaged in lobbying activities on behalf of
13 the client during the semiannual filing period—

14 (A) a list of the specific issues upon which
15 a lobbyist employed by the registrant engaged
16 in lobbying activities, including, to the maxi-
17 mum extent practicable, a list of bill numbers
18 and references to specific regulatory actions,
19 programs, projects, contracts, grants, and
20 loans;

21 (B) a statement of the Houses and com-
22 mittees of Congress and the Federal agencies
23 contacted by lobbyists employed by the reg-
24 istrant on behalf of the client;

1 (C) a list of the employees of the registrant
2 who acted as lobbyists on behalf of the client;
3 and

4 (D) a description of the interest, if any, of
5 any foreign entity identified under section
6 104(b)(4) in the specific issues listed under
7 subparagraph (A).

8 (3) in the case of a lobbying firm, a good faith
9 estimate of the total amount of all income from the
10 client (including any payments to the registrant by
11 any other person for lobbying activities on behalf of
12 the client) during the semiannual period, other than
13 income for matters that are unrelated to lobbying
14 activities; and

15 (4) in the case of a registrant engaged in lobby-
16 ing activities on its own behalf, a good faith estimate
17 of the total expenses that the registrant and its em-
18 ployees incurred in connection with lobbying activi-
19 ties during the semiannual filing period.

20 (c) ESTIMATES OF INCOME OR EXPENSES.—For pur-
21 poses of this section, estimates of income or expenses shall
22 be made as follows:

23 (1) \$100,000 OR LESS.—Income or expenses of
24 \$100,000 or less shall be estimated in accordance
25 with the following categories:

1 (A) \$10,000 or less.

2 (B) More than \$10,000 but not more than
3 \$20,000.

4 (C) More than \$20,000 but not more than
5 \$50,000.

6 (D) More than \$50,000 but not more than
7 \$100,000.

8 (2) MORE THAN \$100,000 BUT NOT MORE
9 THAN \$500,000.—Income or expenses in excess of
10 \$100,000 but not more than \$500,000 shall be esti-
11 mated and rounded to the nearest \$50,000.

12 (3) MORE THAN \$500,000.—Income or ex-
13 penses in excess of \$500,000 shall be estimated and
14 rounded to the nearest \$100,000.

15 (4) CONSTRUCTION.—In estimating total in-
16 come or expenses under this section, a registrant is
17 not required to include—

18 (A) the value of contributed services for
19 which no payment is made; or

20 (B) the expenses for services provided by
21 an independent contractor of the registrant who
22 is separately registered under this title.

23 (d) CONTACTS.—

24 (1) CONTACTS WITH COMMITTEES.—For pur-
25 poses of subsection (b)(2), any contact with a mem-

1 ber of a committee of Congress, an employee of a
2 committee of Congress, or an employee of a member
3 of a committee of Congress regarding a matter with-
4 in the jurisdiction of such committee shall be consid-
5 ered to be a contact with the committee.

6 (2) CONTACTS WITH HOUSE OF CONGRESS.—
7 For purposes of subsection (b)(2), any contact with
8 a Member of Congress or an employee of a Member
9 of Congress regarding a matter that is not within
10 the jurisdiction of a committee of Congress of which
11 that Member is a member shall be considered to be
12 a contact with the House of Congress of that Mem-
13 ber.

14 (3) CONTACTS WITH FEDERAL AGENCIES.—For
15 purposes of subsection (b)(2), any contact with a
16 covered executive branch official shall be considered
17 to be a contact with the Federal agency that em-
18 ploys that official, except that a contact with a cov-
19 ered executive branch official who is detailed to an-
20 other Federal agency or to the Congress shall be
21 considered to be a contact with the Federal agency
22 or with the committee of Congress or House of Con-
23 gress to which the official is detailed.

24 (e) EXTENSION FOR FILING.—The Director may
25 grant an extension of time of not more than 30 days for

1 the filing of any report under this section, upon the re-
2 quest of the registrant, for good cause shown.

3 **SEC. 106. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBY-**
4 **ING FIRMS, AND AGENTS OF FOREIGN PRIN-**
5 **CIPALS.**

6 (a) IN GENERAL.—

7 (1) PROHIBITION.—No lobbyist or lobbying
8 firm registered under this title and no agent of a
9 foreign principal registered under the Foreign
10 Agents Registration Act may provide a gift, directly
11 or indirectly, to any covered legislative branch offi-
12 cial.

13 (2) DEFINITION.—For purposes of this sec-
14 tion—

15 (A) the term “gift” means any gratuity,
16 favor, discount, entertainment, hospitality, loan,
17 forbearance, or other item having monetary
18 value and such term includes gifts of services,
19 training, transportation, lodging, and meals,
20 whether provided in kind, by purchase of a tick-
21 et, payment in advance, or reimbursement after
22 the expense has been incurred; and

23 (B) a gift to the spouse or dependent of a
24 covered legislative branch official (or a gift to
25 any other individual based on that individual’s

1 relationship with the covered legislative branch
2 official) shall be considered a gift to the covered
3 legislative branch official if it is given with the
4 knowledge and acquiescence of the covered leg-
5 islative branch official and is given because of
6 the official position of the covered legislative
7 branch official.

8 (b) GIFTS.—The prohibition in subsection (a) in-
9 cludes the following:

10 (1) Anything provided by a lobbyist or a foreign
11 agent which is paid for, charged to, or reimbursed
12 by a client or firm of such lobbyist or foreign agent.

13 (2) Anything provided by a lobbyist, a lobbying
14 firm, or a foreign agent to an entity that is main-
15 tained or controlled by a covered legislative branch
16 official.

17 (3) A charitable contribution (as defined in sec-
18 tion 170(c) of the Internal Revenue Code of 1986)
19 made by a lobbyist, a lobbying firm, or a foreign
20 agent on the basis of a designation, recommenda-
21 tion, or other specification of a covered legislative
22 branch official (not including a mass mailing or
23 other solicitation directed to a broad category of per-
24 sons or entities).

1 (4) A contribution or other payment by a lobby-
2 ist, a lobbying firm, or a foreign agent to a legal ex-
3 pense fund established for the benefit of a covered
4 legislative branch official or a covered executive
5 branch official.

6 (5) A charitable contribution (as defined in sec-
7 tion 170(c) of the Internal Revenue Code of 1986)
8 made by a lobbyist, a lobbying firm, or a foreign
9 agent in lieu of an honorarium to a covered legisla-
10 tive branch official.

11 (6) A financial contribution or expenditure
12 made by a lobbyist, a lobbying firm, or a foreign
13 agent relating to a conference, retreat, or similar
14 event, sponsored by or affiliated with an official con-
15 gressional organization, for or on behalf of covered
16 legislative branch officials.

17 (c) NOT GIFTS.—The following are not gifts subject
18 to the prohibition in subsection (a):

19 (1) Anything for which the recipient pays the
20 market value, or does not use and promptly returns
21 to the donor.

22 (2) A contribution, as defined in the Federal
23 Election Campaign Act of 1971 (2 U.S.C. 431 et
24 seq.) that is lawfully made under that Act, or at-
25 tendance at a fundraising event sponsored by a po-

1 litical organization described in section 527(e) of the
2 Internal Revenue Code of 1986.

3 (3) Food or refreshments of nominal value of-
4 fered other than as part of a meal.

5 (4) Benefits resulting from the business, em-
6 ployment, or other outside activities of the spouse of
7 a covered legislative branch official, if such benefits
8 are customarily provided to others in similar cir-
9 cumstances.

10 (5) Pension and other benefits resulting from
11 continued participation in an employee welfare and
12 benefits plan maintained by a former employer.

13 (6) Informational materials that are sent to the
14 office of a covered legislative branch official in the
15 form of books, articles, periodicals, other written
16 materials, audiotapes, videotapes, or other forms of
17 communication.

18 (d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE
19 AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE
20 PERSONAL FRIENDSHIP.—

21 (1) IN GENERAL.—A gift given by an individual
22 under circumstances which make it clear that the
23 gift is given for a nonbusiness purpose and is moti-
24 vated by a family relationship or close personal
25 friendship and not by the position of the covered leg-

1 islative branch official shall not be subject to the
2 prohibition in subsection (a).

3 (2) NONBUSINESS PURPOSE.—A gift shall not
4 be considered to be given for a nonbusiness purpose
5 if the individual giving the gift seeks—

6 (A) to deduct the value of such gift as a
7 business expense on the individual's Federal in-
8 come tax return, or

9 (B) direct or indirect reimbursement or
10 any other compensation for the value of the gift
11 from a client or employer of such lobbyist or
12 foreign agent.

13 (3) FAMILY RELATIONSHIP OR CLOSE PER-
14 SONAL FRIENDSHIP.—In determining if the giving of
15 a gift is motivated by a family relationship or close
16 personal friendship, at least the following factors
17 shall be considered:

18 (A) The history of the relationship between
19 the individual giving the gift and the recipient
20 of the gift, including whether or not gifts have
21 previously been exchanged by such individuals.

22 (B) Whether the gift was purchased by the
23 individual who gave the item.

24 (C) Whether the individual who gave the
25 gift also at the same time gave the same or

1 similar gifts to other covered legislative branch
2 officials.

3 **SEC. 107. OFFICE OF LOBBYING REGISTRATION AND PUB-**
4 **LIC DISCLOSURE.**

5 (a) ESTABLISHMENT AND DIRECTOR.—

6 (1) ESTABLISHMENT.—There is established an
7 executive agency to be known as the Office of Lob-
8 bying Registration and Public Disclosure.

9 (2) DIRECTOR.—(A) The Office shall be headed
10 by a Director, who shall be appointed by the Presi-
11 dent, by and with the advice and consent of the Sen-
12 ate.

13 (B) The Director shall be an individual who, by
14 demonstrated ability, background, training, and ex-
15 perience, is qualified to carry out the functions of
16 the position. The term of service of the Director
17 shall be 5 years. The Director may be removed for
18 cause.

19 (C) Section 5316 of title 5, United States Code,
20 is amended by adding at the end the following: “Di-
21 rector of the Office of Lobbying Registration and
22 Public Disclosure”.

23 (b) ADMINISTRATIVE POWERS.—The Director may—

24 (1) appoint officers and employees, including
25 attorneys, in accordance with chapter 51 and sub-

1 chapter III of chapter 53 of title 5, United States
2 Code, define their duties and responsibilities, and di-
3 rect and supervise their activities;

4 (2) contract for financial and administrative
5 services (including those related to budget and ac-
6 counting, financial reporting, personnel, and pro-
7 curement) with the General Services Administration,
8 or such Federal agency as the Director determines
9 appropriate, for which payment shall be made in ad-
10 vance or by reimbursement from funds of the Office
11 in such amounts as may be agreed upon by the Di-
12 rector and the head of the agency providing such
13 services, but the contract authority under this para-
14 graph shall be effective for any fiscal year only to
15 the extent that appropriations are available for that
16 purpose;

17 (3) request the head of any Federal department
18 or agency (who is hereby so authorized) to detail to
19 temporary duties with the Office such personnel
20 within the agency head's administrative jurisdiction
21 as the Office may need for carrying out its functions
22 under this title, with or without reimbursement;

23 (4) request agency heads to provide information
24 needed by the Office, which information shall be
25 supplied to the extent permitted by law;

1 (5) utilize, with their consent, the services and
2 facilities of Federal agencies with or without reim-
3 bursement;

4 (6) accept, use, and dispose of gifts or dona-
5 tions of services or property, real, personal, or
6 mixed, tangible or intangible, for purposes of aiding
7 or facilitating the work of the Office; and

8 (7) use the United States mails in the same
9 manner and under the same conditions as other de-
10 partments and agencies of the United States.

11 (c) COOPERATION WITH OTHER GOVERNMENTAL
12 AGENCIES.—In order to avoid unnecessary expense and
13 duplication of function among Government agencies, the
14 Office may make such arrangements or agreements for co-
15 operation or mutual assistance in the performance of its
16 functions under this title as is practicable and consistent
17 with law. The head of the General Services Administration
18 and each department, agency, or establishment of the
19 United States shall cooperate with the Office and, to the
20 extent permitted by law, provide such information, serv-
21 ices, personnel, and facilities as the Office may request
22 for its assistance in the performance of its functions under
23 this title.

24 (d) DUTIES.—The Director shall—

1 (1) after notice and a reasonable opportunity
2 for public comment, and consultation with the Sec-
3 retary of the Senate, the Clerk of the House of Rep-
4 resentatives, and the Administrative Conference of
5 the United States, prescribe such regulations, pen-
6 alty guidelines, and forms as are necessary to carry
7 out this title;

8 (2) provide guidance and assistance on the reg-
9 istration and reporting requirements of this title, in-
10 cluding—

11 (A) providing information to all registrants
12 at the time of registration about the obligations
13 of registered lobbyists under this title, and

14 (B) issuing published decisions and advi-
15 sory opinions;

16 (3) review the registrations and reports filed
17 under this title and make such verifications or in-
18 quiries as are necessary to ensure the completeness,
19 accuracy, and timeliness of the registrations and re-
20 ports;

21 (4) develop filing, coding, and cross-indexing
22 systems to carry out the purposes of this title, in-
23 cluding—

24 (A) a publicly available list of all registered
25 lobbyists and their clients; and

1 (B) computerized systems designed to min-
2 imize the burden of filing and maximize public
3 access to materials filed under this title;

4 (5) ensure that the computer systems developed
5 pursuant to paragraph (4)—

6 (A) allow the materials filed under this
7 title to be accessed by the client name, lobbyist
8 name, and registrant name;

9 (B) are compatible with computer systems
10 developed and maintained by the Federal Elec-
11 tion Commission, and that information filed in
12 the two systems can be readily cross-referenced;
13 and

14 (C) are compatible with computer systems
15 developed and maintained by the Secretary of
16 the Senate and the Clerk of the House of Rep-
17 resentatives;

18 (6) make copies of each registration and report
19 filed under this title available to the public, upon the
20 payment of reasonable fees, not to exceed the cost
21 of such copies, as determined by the Director, in
22 written and electronic formats, as soon as prac-
23 ticable after the date on which such registration or
24 report is received;

1 (7) preserve the originals or accurate reproduc-
2 tion of—

3 (A) registrations filed under this title for a
4 period that ends not less than 3 years after the
5 termination of the registration under section
6 104(d); and

7 (B) reports filed under this title for a pe-
8 riod that ends not less than 3 years after the
9 date on which the report is received;

10 (8) maintain a computer record of—

11 (A) the information contained in registra-
12 tions for a period that ends not less than 5
13 years after the termination of the registration
14 under section 104(d); and

15 (B) the information contained in reports
16 filed under this title for a period that ends not
17 less than 5 years after the date on which the
18 reports are received;

19 (9) compile and summarize, with respect to
20 each semiannual period, the information contained
21 in registrations and reports filed with respect to
22 such period in a manner which clearly presents the
23 extent and nature of expenditures on lobbying activi-
24 ties during such period;

1 (10) make information compiled and summa-
2 rized under paragraph (9) available to the public in
3 electronic and hard copy formats as soon as prac-
4 ticable after the close of each semiannual filing pe-
5 riod;

6 (11) provide, by computer telecommunication or
7 other transmittal in a form accessible by computer,
8 to the Secretary of the Senate and the Clerk of the
9 House of Representatives copies of all registrations
10 and reports received under sections 104 and 105
11 and all compilations, cross-indexes, and summaries
12 of such registrations and reports, as soon as prac-
13 ticable (but not later than 3 working days) after
14 such material is received or created;

15 (12) make available to the public a list of all
16 persons whom the Director determines, under sec-
17 tion 109 (after exhaustion of all appeals under sec-
18 tion 111) to have committed a major or minor viola-
19 tion of this title and submit such list to the Con-
20 gress as part of the report provided for under para-
21 graph (13);

22 (13) make available to the public upon request
23 and transmit to the President, the Secretary of the
24 Senate, the Clerk of the House of Representatives,
25 the Committee on Governmental Affairs of the Sen-

1 ate, and the Committee on the Judiciary of the
 2 House of Representatives a report, not later than
 3 March 31 of each year, describing the activities of
 4 the Office and the implementation of this title, in-
 5 cluding—

6 (A) a financial statement for the preceding
 7 fiscal year;

8 (B) a summary of the registrations and re-
 9 ports filed with the Office with respect to the
 10 preceding calendar year;

11 (C) a summary of the registrations and re-
 12 ports filed on behalf of foreign entities with re-
 13 spect to the preceding calendar year; and

14 (D) recommendations for such legislative
 15 or other action as the Director considers appro-
 16 priate; and

17 (14) study the appropriateness of the definition
 18 of “public official” under section 103(17) and make
 19 recommendations for any change in such definition
 20 in the first report filed pursuant to paragraph (13).

21 **SEC. 108. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.**

22 (a) ALLEGATION OF A VIOLATION.—Whenever the
 23 Office of Lobbying Registration and Public Disclosure has
 24 reason to believe that a person or entity may be in viola-
 25 tion of the requirements of this title, the Director shall

1 notify the person or entity in writing of the nature of the
 2 alleged violation and provide an opportunity for the person
 3 or entity to respond in writing to the allegation within 30
 4 days after the notification is sent or such longer period
 5 as the Director may determine appropriate in the cir-
 6 cumstances.

7 (b) INITIAL DETERMINATION.—

8 (1) IN GENERAL.—If the person or entity re-
 9 sponds within the period described in the notification
 10 under subsection (a), the Director shall—

11 (A) issue a written determination that the
 12 person or entity has not violated this title if the
 13 person or entity provides adequate information
 14 or explanation to make such determination; or

15 (B) make a formal request for information
 16 under subsection (c) or a notification under sec-
 17 tion 109(a), if the information or explanation
 18 provided is not adequate to make a determina-
 19 tion under subparagraph (A).

20 (2) WRITTEN DECISION.—If the Director makes
 21 a determination under paragraph (1)(A), the Direc-
 22 tor shall issue a public written decision in accord-
 23 ance with section 110.

24 (c) FORMAL REQUEST FOR INFORMATION.—If a per-
 25 son or entity fails to respond in writing within the period

1 described in the notification under subsection (a) or the
2 response is not adequate to determine whether such per-
3 son or entity has violated this title, the Director may make
4 a formal request for specific additional written informa-
5 tion (subject to applicable privileges) that is reasonably
6 necessary for the Director to make such determination.
7 Each such request shall be structured to minimize any
8 burden imposed, consistent with the need to determine
9 whether the person or entity is in compliance with this
10 title, and shall—

11 (1) state the nature of the conduct constituting
12 the alleged violation which is the basis for the in-
13 quiry and the provision of law applicable thereto;

14 (2) describe the class or classes of material to
15 be produced pursuant to the request with such defi-
16 niteness and certainty as to permit such material to
17 be readily identified; and

18 (3) prescribe a return date or dates which pro-
19 vide a reasonable period of time within which the
20 person or entity may assemble and make available
21 for inspection and copying or reproduction the mate-
22 rial so requested.

23 **SEC. 109. DETERMINATIONS OF VIOLATIONS.**

24 (a) NOTIFICATION AND HEARING.—If the informa-
25 tion provided to the Director under section 108 indicates

1 that a person or entity may have violated this title, the
2 Director shall—

3 (1) notify the person or entity in writing of this
4 finding and, if appropriate, a proposed penalty as-
5 sessment and provide such person or entity with an
6 opportunity to respond in writing within 30 days
7 after the notice is sent; and

8 (2) if requested in writing by that person or en-
9 tity within that 30-day period, afford the person or
10 entity an opportunity for a hearing on the record
11 under the provisions of section 554 of title 5, United
12 States Code.

13 (b) DETERMINATION.—Upon the receipt of a written
14 response under subsection (a)(1) when no hearing under
15 subsection (a)(2) is requested, upon the completion of a
16 hearing requested under subsection (a)(2), or upon the ex-
17 piration of 30 days in a case in which no such written
18 response is received, the Director shall review the informa-
19 tion received under section 108 and this section (including
20 evidence presented at any such hearing) and make a final
21 determination whether there was a violation and a final
22 determination of the penalty, if any. If no written response
23 was received under this section within the 30-day period
24 provided, the determination and penalty assessment shall
25 constitute a final order not subject to appeal.

1 (c) WRITTEN DECISION.—

2 (1) DETERMINATION OF VIOLATION.—If the
3 Director makes a final determination under sub-
4 section (b) that there was a violation, the Director
5 shall issue a written decision in accordance with sec-
6 tion 110—

7 (A) directing the person or entity to cor-
8 rect the violation; and

9 (B) assessing a civil monetary penalty—

10 (i) in the case of a minor violation,
11 which shall be no more than \$10,000, de-
12 pending on the extent and gravity of the
13 violation;

14 (ii) in the case of a major violation,
15 which shall be more than \$10,000, but no
16 more than \$100,000, depending on the ex-
17 tent and gravity of the violation;

18 (iii) in the case of a late registration
19 or filing, which shall be \$200 for each
20 week by which the registration or filing
21 was late, unless the Director determines
22 that the failure to timely register or file
23 constitutes a major violation (as defined
24 under subsection (e)(2)) in which case the

1 amount shall be as prescribed by clause
2 (ii); or

3 (iv) in the case of a failure to provide
4 information requested by the Director pur-
5 suant to section 108(c), which shall be no
6 more than \$10,000, depending on the ex-
7 tent and gravity of the violation, except
8 that no penalty shall be assessed if the Di-
9 rector determines that the violation was
10 the result of a good faith dispute over the
11 validity or appropriate scope of a request
12 for information.

13 (2) DETERMINATION OF NO VIOLATION OR IN-
14 SUFFICIENT EVIDENCE.—If the Director determines
15 that no violation occurred or there was not sufficient
16 evidence that a violation occurred, the Director shall
17 issue a written decision in accordance with section
18 110.

19 (d) CIVIL INJUNCTIVE RELIEF.—If a person or en-
20 tity fails to comply with a directive to correct a violation
21 under subsection (c), the Director shall refer the case to
22 the Attorney General to seek civil injunctive relief in the
23 appropriate court of the United States to compel such per-
24 son or entity to comply with such directive.

25 (e) PENALTY ASSESSMENTS.—

1 (1) GENERAL RULE.—No penalty shall be as-
2 sessed under this section unless the Director finds
3 that the person or entity subject to the penalty knew
4 or should have known that such person or entity was
5 in violation of this title. In determining the amount
6 of a penalty to be assessed, the Director shall take
7 into account the totality of the circumstances, in-
8 cluding the extent and gravity of the violation,
9 whether the violation was voluntarily admitted and
10 corrected, the extent to which the person or entity
11 may have profited from the violation, the ability of
12 the person or entity to pay, and such other matters
13 as justice may require.

14 (2) REGULATIONS.—Regulations prescribed by
15 the Director under section 107 shall define major
16 and minor violations. Major violations shall be de-
17 fined to include a failure to register and any other
18 violation that is extensive or repeated, if the person
19 or entity who failed to register or committed such
20 other violation—

21 (A) had actual knowledge that the conduct
22 constituted a violation;

23 (B) acted in deliberate ignorance of the
24 provisions of this title or regulations related to
25 the conduct constituting a violation; or

1 (C) acted in reckless disregard of the pro-
2 visions of this title or regulations related to the
3 conduct constituting a violation.

4 (f) LIMITATION.—No proceeding shall be initiated
5 under section 108 or this section unless the Director noti-
6 fies the person or entity who is to be the subject of the
7 proceeding of the alleged violation within 3 years after the
8 date on which the alleged violation occurred.

9 **SEC. 110. DISCLOSURE OF INFORMATION; WRITTEN DECISIONS.**
10

11 (a) DISCLOSURE OF INFORMATION.—Information
12 provided to the Director pursuant to sections 108 and 109
13 shall not be made available to the public without the con-
14 sent of the person or entity providing the information, ex-
15 cept to the extent that such information may be included
16 in—

17 (1) a new or amended report or registration
18 filed under this title; or

19 (2) a written decision issued by the Director
20 under this section.

21 (b) WRITTEN DECISIONS.—All written decisions is-
22 sued by the Director under sections 108 and 109 shall
23 be made available to the public. The Director may provide
24 for the publication of a written decision if the Director

1 determines that publication would provide useful guidance.

2 Before making a written decision public, the Director—

3 (1) shall delete information that would identify
4 a person or entity who was alleged to have violated
5 this title if—

6 (A) there was insufficient evidence to de-
7 termine that the person or entity violated this
8 title or the Director found that person or entity
9 did not violate this title, and

10 (B) the person or entity so requests; and

11 (2) shall delete information that would identify
12 any other person or entity (other than a person or
13 entity who was found to have violated this title), if
14 the Director determines that such person or entity
15 could reasonably be expected to be injured by the
16 disclosure of such information.

17 **SEC. 111. JUDICIAL REVIEW.**

18 (a) FINAL DECISION.—A written decision issued by
19 the Director under section 109 shall become final 60 days
20 after the date on which the Director provides notice of
21 the decision, unless such decision is appealed under sub-
22 section (b) of this section.

23 (b) APPEAL.—Any person or entity adversely affected
24 by a written decision issued by the Director under section
25 109 may appeal such decision, except as provided under

1 section 109(b), to the appropriate United States court of
2 appeals. Such review may be obtained by filing a written
3 notice of appeal in such court no later than 60 days after
4 the date on which the Director provides notice of the Di-
5 rector's decision and by simultaneously sending a copy of
6 such notice of appeal to the Director. The Director shall
7 file in such court the record upon which the decision was
8 issued, as provided under section 2112 of title 28, United
9 States Code. The findings of fact of the Director shall be
10 conclusive, unless found to be unsupported by substantial
11 evidence, as provided under section 706(2)(E) of title 5,
12 United States Code. Any penalty assessed or other action
13 taken in the decision shall be stayed during the pendency
14 of the appeal.

15 (c) RECOVERY OF PENALTY.—Any penalty assessed
16 in a written decision which has become final under this
17 title may be recovered in a civil action brought by the At-
18 torney General in an appropriate United States district
19 court. In any such action, no matter that was raised or
20 that could have been raised before the Director or pursu-
21 ant to judicial review under subsection (b) may be raised
22 as a defense, and the determination of liability and the
23 determination of amounts of penalties and assessments
24 shall not be subject to review.

1 **SEC. 112. RULES OF CONSTRUCTION.**

2 (a) CONSTITUTIONAL RIGHTS.—Nothing in this title
3 shall be construed to prohibit or interfere with—

4 (1) the right to petition the government for the
5 redress of grievances;

6 (2) the right to express a personal opinion; or

7 (3) the right of association,

8 protected by the first amendment to the Constitution.

9 (b) PROHIBITION OF ACTIVITIES.—Nothing in this
10 title shall be construed to prohibit, or to authorize the Di-
11 rector or any court to prohibit, lobbying activities or lobby-
12 ing contacts by any person or entity, regardless of whether
13 such person or entity is in compliance with the require-
14 ments of this title.

15 (c) AUDIT AND INVESTIGATIONS.—Nothing in this
16 title shall be construed to grant general audit or investiga-
17 tive authority to the Director.

18 **SEC. 113. AMENDMENTS TO THE FOREIGN AGENTS REG-**
19 **ISTRATION ACT.**

20 The Foreign Agents Registration Act of 1938 (22
21 U.S.C. 611 et seq.) is amended—

22 (1) in section 1—

23 (A) by striking subsection (j);

24 (B) in subsection (o) by striking “the dis-
25 semination of political propaganda and any
26 other activity which the person engaging therein

1 believes will, or which he intends to, prevail
2 upon, indoctrinate, convert, induce, persuade,
3 or in any other way influence” and inserting
4 “any activity that the person engaging in be-
5 lieves will, or that the person intends to, in any
6 way influence”;

7 (C) in subsection (p) by striking the semi-
8 colon and inserting a period; and

9 (D) by striking subsection (q);

10 (2) in section 3(g) (22 U.S.C. 613(g)), by strik-
11 ing “established agency proceedings, whether formal
12 or informal.” and inserting “judicial proceedings,
13 criminal or civil law enforcement inquiries, investiga-
14 tions, or proceedings, or agency proceedings required
15 by statute or regulation to be conducted on the
16 record.”;

17 (3) in section 3 (22 U.S.C. 613) by adding at
18 the end the following:

19 “(h) Any agent of a person described in section
20 1(b)(2) or an entity described in section 1(b)(3) if the
21 agent is required to register and does register under the
22 Lobbying Disclosure Act of 1994 in connection with the
23 agent’s representation of such person or entity.”;

24 (4) in section 4(a) (22 U.S.C. 614(a))—

1 (A) by striking “political propaganda” and
2 inserting “informational materials”; and

3 (B) by striking “and a statement, duly
4 signed by or on behalf of such an agent, setting
5 forth full information as to the places, times,
6 and extent of such transmittal”;

7 (5) in section 4(b) (22 U.S.C. 614(b))—

8 (A) in the matter preceding clause (i), by
9 striking “political propaganda” and inserting
10 “informational materials”; and

11 (B) by striking “(i) in the form of prints,
12 or” and all that follows through the end of the
13 subsection and inserting “without placing in
14 such informational materials a conspicuous
15 statement that the materials are distributed by
16 the agent on behalf of the foreign principal, and
17 that additional information is on file with the
18 Department of Justice, Washington, District of
19 Columbia. The Attorney General may by rule
20 define what constitutes a conspicuous statement
21 for the purposes of this subsection.”;

22 (6) in section 4(c) (22 U.S.C. 614(c)), by strik-
23 ing “political propaganda” and inserting “informa-
24 tional materials”;

25 (7) in section 6 (22 U.S.C. 616)—

1 (A) in subsection (a) by striking “and all
2 statements concerning the distribution of politi-
3 cal propaganda”;

4 (B) in subsection (b) by striking “, and
5 one copy of every item of political propaganda”;
6 and

7 (C) in subsection (c) by striking “copies of
8 political propaganda,”;

9 (8) in section 8 (22 U.S.C. 618)—

10 (A) in subsection (a)(2) by striking “or in
11 any statement under section 4(a) hereof con-
12 cerning the distribution of political propa-
13 ganda”; and

14 (B) by striking subsection (d); and

15 (9) in section 11 (22 U.S.C. 621) by striking
16 “, including the nature, sources, and content of po-
17 litical propaganda disseminated or distributed”.

18 **SEC. 114. AMENDMENTS TO THE BYRD AMENDMENT.**

19 (a) REVISED CERTIFICATION REQUIREMENTS.—Sec-
20 tion 1352(b) of title 31, United States Code, is amended—

21 (1) in paragraph (2) by striking subparagraphs

22 (A), (B), and (C) and inserting the following:

23 “(A) the name of any registrant under the
24 Lobbying Disclosure Act of 1994 who has made
25 lobbying contacts on behalf of the person with

1 respect to that Federal contract, grant, loan, or
2 cooperative agreement; and

3 “(B) a certification that the person making
4 the declaration has not made, and will not
5 make, any payment prohibited by subsection
6 (a).”;

7 (2) in paragraph (3) by striking all that follows
8 “loan shall contain” and inserting “the name of any
9 registrant under the Lobbying Disclosure Act of
10 1994 who has made lobbying contacts on behalf of
11 the person in connection with that loan insurance or
12 guarantee.”; and

13 (3) by striking paragraph (6) and redesignating
14 paragraph (7) as paragraph (6).

15 (b) REMOVAL OF OBSOLETE REPORTING REQUIRE-
16 MENT.—Section 1352 of title 31, United States Code, is
17 further amended—

18 (1) by striking subsection (d); and

19 (2) by redesignating subsections (e), (f), (g),
20 and (h) as subsections (d), (e), (f), and (g), respec-
21 tively.

22 **SEC. 115. REPEAL OF CERTAIN LOBBYING PROVISIONS.**

23 (a) REPEAL OF THE FEDERAL REGULATION OF LOB-
24 BYING ACT.—The Federal Regulation of Lobbying Act (2
25 U.S.C. 261 et seq.) is repealed.

1 (b) REPEAL OF PROVISIONS RELATING TO HOUSING
2 LOBBYIST ACTIVITIES.—

3 (1) Section 13 of the Department of Housing
4 and Urban Development Act (42 U.S.C. 3537b) is
5 repealed.

6 (2) Section 536(d) of the Housing Act of 1949
7 (42 U.S.C. 1490p(d)) is repealed.

8 **SEC. 116. CONFORMING AMENDMENTS TO OTHER STAT-**
9 **UTES.**

10 (a) AMENDMENT TO COMPETITIVENESS POLICY
11 COUNCIL ACT.—Section 5206(e) of the Competitiveness
12 Policy Council Act (15 U.S.C. 4804(e)) is amended by in-
13 serting “or a lobbyist for a foreign entity (as the terms
14 ‘lobbyist’ and ‘foreign entity’ are defined under section
15 103 of the Lobbying Disclosure Act of 1994)” after “an
16 agent for a foreign principal”.

17 (b) AMENDMENTS TO TITLE 18, UNITED STATES
18 CODE.—Section 219(a) of title 18, United States Code,
19 is amended—

20 (1) by inserting “or a lobbyist required to reg-
21 ister under the Lobbying Disclosure Act of 1994 in
22 connection with the representation of a foreign en-
23 tity, as defined in section 103(7) of that Act” after
24 “an agent of a foreign principal required to register

1 under the Foreign Agents Registration Act of
2 1938”; and

3 (2) by striking out “, as amended,”.

4 (c) AMENDMENT TO FOREIGN SERVICE ACT OF
5 1980.—Section 602(c) of the Foreign Service Act of 1980
6 (22 U.S.C. 4002(c)) is amended by inserting “or a lobby-
7 ist for a foreign entity (as defined in section 103(7) of
8 the Lobbying Disclosure Act of 1994)” after “an agent
9 of a foreign principal (as defined by section 1(b) of the
10 Foreign Agents Registration Act of 1938)”.

11 **SEC. 117. SEVERABILITY.**

12 If any provision of this title, or the application there-
13 of, is held invalid, the validity of the remainder of this
14 title and the application of such provision to other persons
15 and circumstances shall not be affected thereby.

16 **SEC. 118. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated for fiscal
18 years 1995, 1996, 1997, 1998, and 1999 such sums as
19 may be necessary to carry out this title.

20 **SEC. 119. IDENTIFICATION OF CLIENTS AND COVERED OF-**
21 **FICIALS.**

22 (a) ORAL LOBBYING CONTACTS.—Any person or en-
23 tity that makes an oral lobbying contact with a covered
24 legislative branch official or a covered executive branch of-

1 ficial shall, on the request of the official at the time of
2 the lobbying contact—

3 (1) state whether the person or entity is reg-
4 istered under this title and identify the client on
5 whose behalf the lobbying contact is made; and

6 (2) state whether such client is a foreign entity
7 and identify any foreign entity required to be dis-
8 closed under section 104(b)(4) that has a direct in-
9 terest in the outcome of the lobbying activity.

10 (b) WRITTEN LOBBYING CONTACTS.—Any person or
11 entity registered under this title that makes a written lob-
12 bing contact (including an electronic communication)
13 with a covered legislative branch official or a covered exec-
14 utive branch official shall—

15 (1) if the client on whose behalf the lobbying
16 contact was made is a foreign entity, identify such
17 client, state that the client is considered a foreign
18 entity under this title, and state whether the person
19 making the lobbying contact is registered on behalf
20 of that client under section 104; and

21 (2) identify any other foreign entity identified
22 pursuant to section 104(b)(4) that has a direct in-
23 terest in the outcome of the lobbying activity.

24 (c) IDENTIFICATION AS COVERED OFFICIAL.—Upon
25 request by a person or entity making a lobbying contact,

1 the individual who is contacted or the office employing
2 that individual shall indicate whether or not the individual
3 is a covered legislative branch official or a covered execu-
4 tive branch official.

5 **SEC. 120. TRANSITIONAL FILING REQUIREMENT.**

6 (a) **SIMULTANEOUS FILING.**—Subject to subsection
7 (b), each registrant shall transmit simultaneously to the
8 Secretary of the Senate and the Clerk of the House of
9 Representatives an identical copy of each registration and
10 report required to be filed under this title.

11 (b) **SUNSET PROVISION.**—The simultaneous filing re-
12 quirement under subsection (a) shall be effective until
13 such time as the Director, in consultation with the Sec-
14 retary of the Senate and the Clerk of the House of Rep-
15 resentatives, determines that the Office of Lobbying Reg-
16 istration and Public Disclosure is able to provide computer
17 telecommunication or other transmittal of registrations
18 and reports as required under section 107(b)(11).

19 (c) **IMPLEMENTATION.**—The Director, the Secretary
20 of the Senate, and the Clerk of the House of Representa-
21 tives shall take such actions as necessary to ensure that
22 the Office of Lobbying Registration and Public Disclosure
23 is able to provide computer telecommunication or other
24 transmittal of registrations and reports as required under

1 section 107(b)(11) on the effective date of this title, or
2 as soon thereafter as reasonably practicable.

3 **SEC. 121. ESTIMATES BASED ON TAX REPORTING SYSTEM.**

4 (a) ENTITIES COVERED BY SECTION 6033(b) OF THE
5 INTERNAL REVENUE CODE OF 1986.—A registrant that
6 is required to report and does report lobbying expenditures
7 pursuant to section 6033(b)(8) of the Internal Revenue
8 Code of 1986 may—

9 (1) make a good faith estimate (by category of
10 dollar value) of applicable amounts that would be re-
11 quired to be disclosed under such section for the ap-
12 propriate semiannual period to meet the require-
13 ments of sections 104(a)(3), 105(a)(2), and
14 105(b)(4); and

15 (2) in lieu of using the definition of “lobbying
16 activities” in section 103(8) of this title, consider as
17 lobbying activities only those activities that are influ-
18 encing legislation as defined in section 4911(d) of
19 the Internal Revenue Code of 1986.

20 (b) ENTITIES COVERED BY SECTION 162(e) OF THE
21 INTERNAL REVENUE CODE OF 1986.—A registrant that
22 is required to account for lobbying expenditures and does
23 account for lobbying expenditures pursuant to section
24 162(e) of the Internal Revenue Code of 1986 may—

1 (1) make a good faith estimate (by category of
2 dollar value) of applicable amounts that would not
3 be deductible pursuant to such section for the appro-
4 priate semiannual period to meet the requirements
5 of sections 104(a)(3), 105(a)(2), and 105(b)(4); and

6 (2) in lieu of using the definition of “lobbying
7 activities” in section 103(8) of this title, consider as
8 lobbying activities only those activities, the costs of
9 which are not deductible pursuant to section 162(e)
10 of the Internal Revenue Code of 1986.

11 (c) DISCLOSURE OF ESTIMATE.—Any registrant that
12 elects to make estimates required by this title under the
13 procedures authorized by subsection (a) or (b) for report-
14 ing or threshold purposes shall—

15 (1) inform the Director that the registrant has
16 elected to make its estimates under such procedures;
17 and

18 (2) make all such estimates, in a given calendar
19 year, under such procedures.

20 (d) STUDY.—Not later than March 31, 1997, the
21 Comptroller General of the United States shall review re-
22 porting by registrants under subsections (a) and (b) and
23 report to the Congress—

24 (1) the differences between the definition of
25 “lobbying activities” in section 103(8) and the defi-

1 nitions of “lobbying expenditures”, “influencing leg-
2 islation”, and related terms in sections 162(e) and
3 4911 of the Internal Revenue Code of 1986, as each
4 are implemented by regulations;

5 (2) the impact that any such differences may
6 have on filing and reporting under this title pursu-
7 ant to this subsection; and

8 (3) any changes to this title or to the appro-
9 priate sections of the Internal Revenue Code of 1986
10 that the Comptroller General may recommend to
11 harmonize the definitions.

12 **SEC. 122. EFFECTIVE DATES AND INTERIM RULES.**

13 (a) IN GENERAL.—Except as otherwise provided in
14 this section, this title and the amendments made by this
15 title shall take effect January 1, 1996.

16 (b) EFFECTIVE DATE OF GIFT PROHIBITION.—Sec-
17 tion 106 shall take effect on January 3, 1995. Beginning
18 on that date, and for the remainder of calendar year 1995,
19 such section shall apply to any gift provided by a lobbyist
20 or an agent of a foreign principal registered under the
21 Federal Regulation of Lobbying Act or the Foreign Agents
22 Registration Act, including any person registered under
23 such Acts as of July 1, 1994, or thereafter.

24 (c) ESTABLISHMENT OF OFFICE.—Sections 107 and
25 118 shall take effect on the date of enactment of this Act.

1 (d) REPEALS AND AMENDMENTS.—The repeals and
2 amendments made under sections 113, 114, 115, and 116
3 shall take effect as provided under subsection (a), except
4 that such repeals and amendments—

5 (1) shall not affect any proceeding or suit com-
6 menced before the effective date under subsection
7 (a), and in all such proceedings or suits, proceedings
8 shall be had, appeals taken, and judgments rendered
9 in the same manner and with the same effect as if
10 this title had not been enacted; and

11 (2) shall not affect the requirements of Federal
12 agencies to compile, publish, and retain information
13 filed or received before the effective date of such re-
14 peals and amendments.

15 (e) REGULATIONS.—Proposed regulations required to
16 implement this title shall be published for public comment
17 no later than 270 days after the date of the enactment
18 of this Act. No later than 1 year after the date of the
19 enactment of this Act, final regulations required to imple-
20 ment this title shall be published.

21 (f) PHASE-IN PERIOD.—No penalty shall be assessed
22 by the Director under section 109(e) for a violation of this
23 title, other than for a violation of section 106, which oc-
24 curs during the first semiannual reporting period under

1 section 105 after the effective date prescribed by sub-
2 section (a).

3 (g) INTERIM DIRECTOR.—Within 30 days after the
4 date of the enactment of this Act, the President shall des-
5 ignate an interim Director of the Office of Lobbying Reg-
6 istration and Public Disclosure, who shall serve at the
7 pleasure of the President until a Director of such Office
8 has been nominated by the President and confirmed by
9 the Senate. The interim Director may not promulgate
10 final regulations pursuant to section 107(d) or initiate
11 procedures for alleged violations pursuant to section 108.

12 **TITLE II—CONGRESSIONAL GIFT** 13 **RULES**

14 **SEC. 201. AMENDMENTS TO SENATE RULES.**

15 Rule XXXV of the Standing Rules of the Senate is
16 amended to read as follows:

17 “1. No Member, officer, or employee of the Senate
18 shall accept a gift, knowing that such gift is provided by
19 a registered lobbyist, a lobbying firm, or an agent of a
20 foreign principal in violation of the Lobbying Disclosure
21 Act of 1994.

22 “2. (a) In addition to the restriction on receiving gifts
23 from registered lobbyists, lobbying firms, and agents of
24 foreign principals provided by paragraph 1 and except as
25 provided in this Rule, no Member, officer, or employee of

1 the Senate shall knowingly accept a gift from any other
2 person.

3 “(b)(1) For the purpose of this Rule, the term ‘gift’
4 means any gratuity, favor, discount, entertainment, hospi-
5 tality, loan, forbearance, or other item having monetary
6 value. The term includes gifts of services, training, trans-
7 portation, lodging, and meals, whether provided in kind,
8 by purchase of a ticket, payment in advance, or reimburse-
9 ment after the expense has been incurred.

10 “(2) A gift to the spouse or dependent of a Member,
11 officer, or employee (or a gift to any other individual based
12 on that individual’s relationship with the Member, officer,
13 or employee) shall be considered a gift to the Member,
14 officer, or employee if it is given with the knowledge and
15 acquiescence of the Member, officer, or employee and the
16 Member, officer, or employee has reason to believe the gift
17 was given because of the official position of the Member,
18 officer, or employee.

19 “(c) The restrictions in subparagraph (a) shall not
20 apply to the following:

21 “(1) Anything for which the Member, officer, or
22 employee pays the market value, or does not use and
23 promptly returns to the donor.

24 “(2) A contribution, as defined in the Federal
25 Election Campaign Act of 1971 (2 U.S.C. 431 et

1 seq.) that is lawfully made under that Act, or at-
2 tendance at a fundraising event sponsored by a po-
3 litical organization described in section 527(e) of the
4 Internal Revenue Code of 1986.

5 “(3) Anything provided by an individual on the
6 basis of a personal or family relationship unless the
7 Member, officer, or employee has reason to believe
8 that, under the circumstances, the gift was provided
9 because of the official position of the Member, offi-
10 cer, or employee and not because of the personal or
11 family relationship. The Select Committee on Ethics
12 shall provide guidance on the applicability of this
13 clause and examples of circumstances under which a
14 gift may be accepted under this exception.

15 “(4) A contribution or other payment to a legal
16 expense fund established for the benefit of a Mem-
17 ber, officer, or employee, that is otherwise lawfully
18 made, if the person making the contribution or pay-
19 ment is identified for the Select Committee on
20 Ethics.

21 “(5) Any food or refreshments which the recipi-
22 ent reasonably believes to have a value of less than
23 \$20.

1 “(6) Any gift from another Member, officer, or
2 employee of the Senate or the House of Representa-
3 tives.

4 “(7) Food, refreshments, lodging, and other
5 benefits—

6 “(A) resulting from the outside business or
7 employment activities (or other outside activi-
8 ties that are not connected to the duties of the
9 Member, officer, or employee as an officeholder)
10 of the Member, officer, or employee, or the
11 spouse of the Member, officer, or employee, if
12 such benefits have not been offered or enhanced
13 because of the official position of the Member,
14 officer, or employee and are customarily pro-
15 vided to others in similar circumstances;

16 “(B) customarily provided by a prospective
17 employer in connection with bona fide employ-
18 ment discussions; or

19 “(C) provided by a political organization
20 described in section 527(e) of the Internal Rev-
21 enue Code of 1986 in connection with a fund-
22 raising or campaign event sponsored by such an
23 organization.

1 “(8) Pension and other benefits resulting from
2 continued participation in an employee welfare and
3 benefits plan maintained by a former employer.

4 “(9) Informational materials that are sent to
5 the office of the Member, officer, or employee in the
6 form of books, articles, periodicals, other written
7 materials, audiotapes, videotapes, or other forms of
8 communication.

9 “(10) Awards or prizes which are given to com-
10 petitors in contests or events open to the public, in-
11 cluding random drawings.

12 “(11) Honorary degrees (and associated travel,
13 food, refreshments, and entertainment) and other
14 bona fide, nonmonetary awards presented in recogni-
15 tion of public service (and associated food, refresh-
16 ments, and entertainment provided in the presen-
17 tation of such degrees and awards).

18 “(12) Donations of products from the State
19 that the Member represents that are intended pri-
20 marily for promotional purposes, such as display or
21 free distribution, and are of minimal value to any in-
22 dividual recipient.

23 “(13) Food, refreshments, and entertainment
24 provided to a Member or an employee of a Member
25 in the Member’s home State, subject to reasonable

1 limitations, to be established by the Committee on
2 Rules and Administration.

3 “(14) An item of little intrinsic value such as
4 a greeting card, baseball cap, or a T shirt.

5 “(15) Training (including food and refresh-
6 ments furnished to all attendees as an integral part
7 of the training) provided to a Member, officer, or
8 employee, if such training is in the interest of the
9 Senate.

10 “(16) Bequests, inheritances, and other trans-
11 fers at death.

12 “(17) Any item, the receipt of which is author-
13 ized by the Foreign Gifts and Decorations Act, the
14 Mutual Educational and Cultural Exchange Act, or
15 any other statute.

16 “(18) Anything which is paid for by the Federal
17 Government, by a State or local government, or se-
18 cured by the Government under a Government con-
19 tract.

20 “(19) A gift of personal hospitality of an indi-
21 vidual, as defined in section 109(14) of the Ethics
22 in Government Act.

23 “(20) Free attendance at a widely attended
24 event permitted pursuant to subparagraph (d).

25 “(21) Opportunities and benefits which are—

1 “(A) available to the public or to a class
2 consisting of all Federal employees, whether or
3 not restricted on the basis of geographic consid-
4 eration;

5 “(B) offered to members of a group or
6 class in which membership is unrelated to con-
7 gressional employment;

8 “(C) offered to members of an organiza-
9 tion, such as an employees’ association or con-
10 gressional credit union, in which membership is
11 related to congressional employment and similar
12 opportunities are available to large segments of
13 the public through organizations of similar size;

14 “(D) offered to any group or class that is
15 not defined in a manner that specifically dis-
16 criminate among Government employees on the
17 basis of branch of Government or type of re-
18 sponsibility, or on a basis that favors those of
19 higher rank or rate of pay;

20 “(E) in the form of loans from banks and
21 other financial institutions on terms generally
22 available to the public; or

23 “(F) in the form of reduced membership or
24 other fees for participation in organization ac-
25 tivities offered to all Government employees by

1 professional organizations if the only restric-
2 tions on membership relate to professional
3 qualifications.

4 “(22) A plaque, trophy, or other memento of
5 modest value.

6 “(23) Anything for which, in an unusual case,
7 a waiver is granted by the Select Committee on
8 Ethics.

9 “(d)(1) Except as prohibited by paragraph 1, a Mem-
10 ber, officer, or employee may accept an offer of free at-
11 tendance at a widely attended convention, conference,
12 symposium, forum, panel discussion, dinner, viewing, re-
13 ception, or similar event, provided by the sponsor of the
14 event, if—

15 “(A) the Member, officer, or employee partici-
16 pates in the event as a speaker or a panel partici-
17 pant, by presenting information related to Congress
18 or matters before Congress, or by performing a cere-
19 monial function appropriate to the Member’s, offi-
20 cer’s, or employee’s official position; or

21 “(B) attendance at the event is appropriate to
22 the performance of the official duties or representa-
23 tive function of the Member, officer, or employee.

24 “(2) A Member, officer, or employee who attends an
25 event described in clause (1) may accept a sponsor’s unso-

1 solicited offer of free attendance at the event for an accom-
2 panying individual if others in attendance will generally
3 be similarly accompanied or if such attendance is appro-
4 priate to assist in the representation of the Senate.

5 “(3) Except as prohibited by paragraph 1, a Member,
6 officer, or employee, or the spouse or dependent thereof,
7 may accept a sponsor’s unsolicited offer of free attendance
8 at a charity event, except that reimbursement for trans-
9 portation and lodging may not be accepted in connection
10 with the event.

11 “(4) For purposes of this paragraph, the term ‘free
12 attendance’ may include waiver of all or part of a con-
13 ference or other fee, the provision of local transportation,
14 or the provision of food, refreshments, entertainment, and
15 instructional materials furnished to all attendees as an in-
16 tegral part of the event. The term does not include enter-
17 tainment collateral to the event, or food or refreshments
18 taken other than in a group setting with all or substan-
19 tially all other attendees.

20 “(e) No Member, officer, or employee may accept a
21 gift the value of which exceeds \$250 on the basis of the
22 personal relationship exception in subparagraph (c)(3) or
23 the close personal friendship exception in section 106(d)
24 of the Lobbying Disclosure Act of 1994 unless the Select

1 Committee on Ethics issues a written determination that
2 one of such exceptions applies.

3 “(f)(1) The Committee on Rules and Administration
4 is authorized to adjust the dollar amount referred to in
5 subparagraph (c)(5) on a periodic basis, to the extent nec-
6 essary to adjust for inflation.

7 “(2) The Select Committee on Ethics shall provide
8 guidance setting forth reasonable steps that may be taken
9 by Members, officers, and employees, with a minimum of
10 paperwork and time, to prevent the acceptance of prohib-
11 ited gifts from lobbyists.

12 “(3) When it is not practicable to return a tangible
13 item because it is perishable, the item may, at the discre-
14 tion of the recipient, be given to an appropriate charity
15 or destroyed.

16 “3. (a)(1) Except as prohibited by paragraph 1, a re-
17 imbursement (including payment in kind) to a Member,
18 officer, or employee for necessary transportation, lodging
19 and related expenses for travel to a meeting, speaking en-
20 gagement, factfinding trip or similar event in connection
21 with the duties of the Member, officer, or employee as an
22 officeholder shall be deemed to be a reimbursement to the
23 Senate and not a gift prohibited by this Rule, if the Mem-
24 ber, officer, or employee—

1 “(A) in the case of an employee, receives ad-
2 vance authorization, from the Member or officer
3 under whose direct supervision the employee works,
4 to accept reimbursement, and

5 “(B) discloses the expenses reimbursed or to be
6 reimbursed and the authorization to the Secretary of
7 the Senate within 30 days after the travel is com-
8 pleted.

9 “(2) For purposes of clause (1), events, the activities
10 of which are substantially recreational in nature, shall not
11 be considered to be in connection with the duties of a
12 Member, officer, or employee as an officeholder.

13 “(b) Each advance authorization to accept reimburse-
14 ment shall be signed by the Member or officer under whose
15 direct supervision the employee works and shall include—

16 “(1) the name of the employee;

17 “(2) the name of the person who will make the
18 reimbursement;

19 “(3) the time, place, and purpose of the travel;
20 and

21 “(4) a determination that the travel is in con-
22 nection with the duties of the employee as an office-
23 holder and would not create the appearance that the
24 employee is using public office for private gain.

1 “(c) Each disclosure made under subparagraph
2 (a)(1) of expenses reimbursed or to be reimbursed shall
3 be signed by the Member or officer (in the case of travel
4 by that Member or officer) or by the Member or officer
5 under whose direct supervision the employee works (in the
6 case of travel by an employee) and shall include—

7 “(1) a good faith estimate of total transpor-
8 tation expenses reimbursed or to be reimbursed;

9 “(2) a good faith estimate of total lodging ex-
10 penses reimbursed or to be reimbursed;

11 “(3) a good faith estimate of total meal ex-
12 penses reimbursed or to be reimbursed;

13 “(4) a good faith estimate of the total of other
14 expenses reimbursed or to be reimbursed;

15 “(5) a determination that all such expenses are
16 necessary transportation, lodging, and related ex-
17 penses as defined in this paragraph; and

18 “(6) in the case of a reimbursement to a Mem-
19 ber or officer, a determination that the travel was in
20 connection with the duties of the Member or officer
21 as an officeholder and would not create the appear-
22 ance that the Member or officer is using public of-
23 fice for private gain.

1 “(d) For the purposes of this paragraph, the term
2 ‘necessary transportation, lodging, and related ex-
3 penses’—

4 “(1) includes reasonable expenses that are nec-
5 essary for travel for a period not exceeding 3 days
6 exclusive of travel time within the United States or
7 7 days exclusive of travel time outside of the United
8 States unless approved in advance by the Select
9 Committee on Ethics;

10 “(2) is limited to reasonable expenditures for
11 transportation, lodging, conference fees and mate-
12 rials, and food and refreshments, including reim-
13 bursement for necessary transportation, whether or
14 not such transportation occurs within the periods de-
15 scribed in clause (1);

16 “(3) does not include expenditures for rec-
17 reational activities, or entertainment other than that
18 provided to all attendees as an integral part of the
19 event; and

20 “(4) may include travel expenses incurred on
21 behalf of either the spouse or a child of the Member,
22 officer, or employee, subject to a determination
23 signed by the Member or officer (or in the case of
24 an employee, the Member or officer under whose di-
25 rect supervision the employee works) that the at-

1 tendance of the spouse or child is appropriate to as-
2 sist in the representation of the Senate.

3 “(e) The Secretary of the Senate shall make available
4 to the public all advance authorizations and disclosures
5 of reimbursement filed pursuant to subparagraph (a) as
6 soon as possible after they are received.”.

7 **SEC. 202. AMENDMENTS TO HOUSE RULES.**

8 Clause 4 of rule XLIII of the Rules of the House
9 of Representatives is amended to read as follows:

10 “4. (a) No Member, officer, or employee of the House
11 of Representatives shall accept a gift, knowing that such
12 gift is provided directly or indirectly by a registered lobby-
13 ist, a lobbying firm, or an agent of a foreign principal in
14 violation of the Lobbying Disclosure Act of 1994.

15 “(b) In addition to the restriction on receiving gifts
16 from registered lobbyists, lobbying firms, and agents of
17 foreign principals provided by paragraph (a) and except
18 as provided in this Rule, no Member, officer, or employee
19 of the House of Representatives shall knowingly accept a
20 gift from any other person.

21 “(c)(1) For the purpose of this clause, the term ‘gift’
22 means any gratuity, favor, discount, entertainment, hospi-
23 tality, loan, forbearance, or other item having monetary
24 value. The term includes gifts of services, training, trans-
25 portation, lodging, and meals, whether provided in kind,

1 by purchase of a ticket, payment in advance, or reimburse-
2 ment after the expense has been incurred.

3 “(2) A gift to the spouse or dependent of a Member,
4 officer, or employee (or a gift to any other individual based
5 on that individual’s relationship with the Member, officer,
6 or employee) shall be considered a gift to the Member,
7 officer, or employee if it is given with the knowledge and
8 acquiescence of the Member, officer, or employee and the
9 Member, officer, or employee has reason to believe the gift
10 was given because of the official position of the Member,
11 officer, or employee.

12 “(d) The restrictions in paragraph (b) shall not apply
13 to the following:

14 “(1) Anything for which the Member, officer, or
15 employee pays the market value, or does not use and
16 promptly returns to the donor.

17 “(2) A contribution, as defined in the Federal
18 Election Campaign Act of 1971 (2 U.S.C. 431 et
19 seq.) that is lawfully made under that Act, or at-
20 tendance at a fundraising event sponsored by a po-
21 litical organization described in section 527(e) of the
22 Internal Revenue Code of 1986.

23 “(3) Anything provided by an individual on the
24 basis of a personal or family relationship unless the
25 Member, officer, or employee has reason to believe

1 that, under the circumstances, the gift was provided
2 because of the official position of the Member, offi-
3 cer, or employee and not because of the personal or
4 family relationship. The Committee on Standards of
5 Official Conduct shall provide guidance on the appli-
6 cability of this clause and examples of circumstances
7 under which a gift may be accepted under this ex-
8 ception.

9 “(4) A contribution or other payment to a legal
10 expense fund established for the benefit of a Mem-
11 ber, officer, or employee, that is otherwise lawfully
12 made, if the person making the contribution or pay-
13 ment is identified for the Committee on Standards
14 of Official Conduct.

15 “(5) Any food or refreshments which the recipi-
16 ent reasonably believes to have a value of less than
17 \$20.

18 “(6) Any gift from another Member, officer, or
19 employee of the Senate or the House of Representa-
20 tives.

21 “(7) Food, refreshments, lodging, and other
22 benefits—

23 “(A) resulting from the outside business or
24 employment activities (or other outside activi-
25 ties that are not connected to the duties of the

1 Member, officer, or employee as an officeholder)
2 of the Member, officer, or employee, or the
3 spouse of the Member, officer, or employee, if
4 such benefits have not been offered or enhanced
5 because of the official position of the Member,
6 officer, or employee and are customarily pro-
7 vided to others in similar circumstances;

8 “(B) customarily provided by a prospective
9 employer in connection with bona fide employ-
10 ment discussions; or

11 “(C) provided by a political organization
12 described in section 527(e) of the Internal Rev-
13 enue Code of 1986 in connection with a fund-
14 raising or campaign event sponsored by such an
15 organization.

16 “(8) Pension and other benefits resulting from
17 continued participation in an employee welfare and
18 benefits plan maintained by a former employer.

19 “(9) Informational materials that are sent to
20 the office of the Member, officer, or employee in the
21 form of books, articles, periodicals, other written
22 materials, audiotapes, videotapes, or other forms of
23 communication.

1 “(10) Awards or prizes which are given to com-
2 petitors in contests or events open to the public, in-
3 cluding random drawings.

4 “(11) Honorary degrees (and associated travel,
5 food, refreshments, and entertainment) and other
6 bona fide, nonmonetary awards presented in recogni-
7 tion of public service (and associated food, refresh-
8 ments, and entertainment provided in the presen-
9 tation of such degrees and awards).

10 “(12) Donations of products from the State
11 that the Member represents that are intended pri-
12 marily for promotional purposes, such as display or
13 free distribution, and are of minimal value to any in-
14 dividual recipient.

15 “(13) Food, refreshments, and entertainment
16 provided to a Member or an employee of a Member
17 in the Member’s home State, subject to reasonable
18 limitations, to be established by the Committee on
19 Standards of Official Conduct.

20 “(14) An item of little intrinsic value such as
21 a greeting card, baseball cap, or a T shirt.

22 “(15) Training (including food and refresh-
23 ments furnished to all attendees as an integral part
24 of the training) provided to a Member, officer, or

1 employee, if such training is in the interest of the
2 House of Representatives.

3 “(16) Bequests, inheritances, and other trans-
4 fers at death.

5 “(17) Any item, the receipt of which is author-
6 ized by the Foreign Gifts and Decorations Act, the
7 Mutual Educational and Cultural Exchange Act, or
8 any other statute.

9 “(18) Anything which is paid for by the Federal
10 Government, by a State or local government, or se-
11 cured by the Government under a Government con-
12 tract.

13 “(19) A gift of personal hospitality of an indi-
14 vidual, as defined in section 109(14) of the Ethics
15 in Government Act.

16 “(20) Free attendance at a widely attended
17 event permitted pursuant to paragraph (e).

18 “(21) Opportunities and benefits which are—

19 “(A) available to the public or to a class
20 consisting of all Federal employees, whether or
21 not restricted on the basis of geographic consid-
22 eration;

23 “(B) offered to members of a group or
24 class in which membership is unrelated to con-
25 gressional employment;

1 “(C) offered to members of an organiza-
2 tion, such as an employees’ association or con-
3 gressional credit union, in which membership is
4 related to congressional employment and similar
5 opportunities are available to large segments of
6 the public through organizations of similar size;

7 “(D) offered to any group or class that is
8 not defined in a manner that specifically dis-
9 criminate among Government employees on the
10 basis of branch of Government or type of re-
11 sponsibility, or on a basis that favors those of
12 higher rank or rate of pay;

13 “(E) in the form of loans from banks and
14 other financial institutions on terms generally
15 available to the public; or

16 “(F) in the form of reduced membership or
17 other fees for participation in organization ac-
18 tivities offered to all Government employees by
19 professional organizations if the only restric-
20 tions on membership relate to professional
21 qualifications.

22 “(22) A plaque, trophy, or other memento of
23 modest value.

1 “(23) Anything for which, in exceptional cir-
2 cumstances, a waiver is granted by the Committee
3 on Standards of Official Conduct.

4 “(e)(1) Except as prohibited by paragraph (a), a
5 Member, officer, or employee may accept an offer of free
6 attendance at a widely attended convention, conference,
7 symposium, forum, panel discussion, dinner, viewing, re-
8 ception, or similar event, provided by the sponsor of the
9 event, if—

10 “(A) the Member, officer, or employee partici-
11 pates in the event as a speaker or a panel partici-
12 pant, by presenting information related to Congress
13 or matters before Congress, or by performing a cere-
14 monial function appropriate to the Member’s, offi-
15 cer’s, or employee’s official position; or

16 “(B) attendance at the event is appropriate to
17 the performance of the official duties or representa-
18 tive function of the Member, officer, or employee.

19 “(2) A Member, officer, or employee who attends an
20 event described in subparagraph (1) may accept a spon-
21 sor’s unsolicited offer of free attendance at the event for
22 an accompanying individual if others in attendance will
23 generally be similarly accompanied or if such attendance
24 is appropriate to assist in the representation of the House
25 of Representatives.

1 “(3) Except as prohibited by paragraph (a), a Mem-
2 ber, officer, or employee, or the spouse or dependent there-
3 of, may accept a sponsor’s unsolicited offer of free attend-
4 ance at a charity event, except that reimbursement for
5 transportation and lodging may not be accepted in connec-
6 tion with the event.

7 “(4) For purposes of this paragraph, the term ‘free
8 attendance’ may include waiver of all or part of a con-
9 ference or other fee, the provision of local transportation,
10 or the provision of food, refreshments, entertainment, and
11 instructional materials furnished to all attendees as an in-
12 tegral part of the event. The term does not include enter-
13 tainment collateral to the event, or food or refreshments
14 taken other than in a group setting with all or substan-
15 tially all other attendees.

16 “(f) No Member, officer, or employee may accept a
17 gift the value of which exceeds \$250 on the basis of the
18 personal relationship exception in paragraph (d)(3) or the
19 close personal friendship exception in section 106(d) of the
20 Lobbying Disclosure Act of 1994 unless the Committee
21 on Standards of Official Conduct issues a written deter-
22 mination that one of such exceptions applies.

23 “(g)(1) The Committee on Standards of Official Con-
24 duct is authorized to adjust the dollar amount referred

1 to in paragraph (c)(5) on a periodic basis, to the extent
2 necessary to adjust for inflation.

3 “(2) The Committee on Standards of Official Con-
4 duct shall provide guidance setting forth reasonable steps
5 that may be taken by Members, officers, and employees,
6 with a minimum of paperwork and time, to prevent the
7 acceptance of prohibited gifts from lobbyists.

8 “(3) When it is not practicable to return a tangible
9 item because it is perishable, the item may, at the discre-
10 tion of the recipient, be given to an appropriate charity
11 or destroyed.

12 “(h)(1)(A) Except as prohibited by paragraph (a), a
13 reimbursement (including payment in kind) to a Member,
14 officer, or employee for necessary transportation, lodging
15 and related expenses for travel to a meeting, speaking en-
16 gagement, factfinding trip or similar event in connection
17 with the duties of the Member, officer, or employee as an
18 officeholder shall be deemed to be a reimbursement to the
19 House of Representatives and not a gift prohibited by this
20 paragraph, if the Member, officer, or employee—

21 “(i) in the case of an employee, receives ad-
22 vance authorization, from the Member or officer
23 under whose direct supervision the employee works,
24 to accept reimbursement, and

1 “(ii) discloses the expenses reimbursed or to be
2 reimbursed and the authorization to the Clerk of the
3 House of Representatives within 30 days after the
4 travel is completed.

5 “(B) For purposes of clause (A), events, the activities
6 of which are substantially recreational in nature, shall not
7 be considered to be in connection with the duties of a
8 Member, officer, or employee as an officeholder.

9 “(2) Each advance authorization to accept reimburse-
10 ment shall be signed by the Member or officer under whose
11 direct supervision the employee works and shall include—

12 “(A) the name of the employee;

13 “(B) the name of the person who will make the
14 reimbursement;

15 “(C) the time, place, and purpose of the travel;
16 and

17 “(D) a determination that the travel is in con-
18 nection with the duties of the employee as an office-
19 holder and would not create the appearance that the
20 employee is using public office for private gain.

21 “(3) Each disclosure made under subparagraph
22 (1)(A) of expenses reimbursed or to be reimbursed shall
23 be signed by the Member or officer (in the case of travel
24 by that Member or officer) or by the Member or officer

1 under whose direct supervision the employee works (in the
2 case of travel by an employee) and shall include—

3 “(A) a good faith estimate of total transpor-
4 tation expenses reimbursed or to be reimbursed;

5 “(B) a good faith estimate of total lodging ex-
6 penses reimbursed or to be reimbursed;

7 “(C) a good faith estimate of total meal ex-
8 penses reimbursed or to be reimbursed;

9 “(D) a good faith estimate of the total of other
10 expenses reimbursed or to be reimbursed;

11 “(E) a determination that all such expenses are
12 necessary transportation, lodging, and related ex-
13 penses as defined in this paragraph; and

14 “(F) in the case of a reimbursement to a Mem-
15 ber or officer, a determination that the travel was in
16 connection with the duties of the Member or officer
17 as an officeholder and would not create the appear-
18 ance that the Member or officer is using public of-
19 fice for private gain.

20 “(4) For the purposes of this paragraph, the term
21 ‘necessary transportation, lodging, and related ex-
22 penses’—

23 “(A) includes reasonable expenses that are nec-
24 essary for travel—

1 “(i) for a period not exceeding 4 days in-
2 cluding travel time within the United States or
3 7 days in addition to travel time outside the
4 United States; and

5 “(ii) within 24 hours before or after par-
6 ticipation in an event in the United States or
7 within 48 hours before or after participation in
8 an event outside the United States,
9 unless approved in advance by the Committee on
10 Standards of Official Conduct;

11 “(B) is limited to reasonable expenditures for
12 transportation, lodging, conference fees and mate-
13 rials, and food and refreshments, including reim-
14 bursement for necessary transportation, whether or
15 not such transportation occurs within the periods de-
16 scribed in clause (A);

17 “(C) does not include expenditures for rec-
18 reational activities or entertainment other than that
19 provided to all attendees as an integral part of the
20 event; and

21 “(D) may include travel expenses incurred on
22 behalf of either the spouse or a child of the Member,
23 officer, or employee, subject to a determination
24 signed by the Member or officer (or in the case of
25 an employee, the Member or officer under whose di-

1 rect supervision the officer or employee works) that
 2 the attendance of the spouse or child is appropriate
 3 to assist in the representation of the House of Rep-
 4 resentatives.

5 “(5) The Clerk of the House of Representatives shall
 6 make available to the public all advance authorizations
 7 and disclosures of reimbursement filed pursuant to sub-
 8 paragraph (1) as soon as possible after they are received.”.

9 **SEC. 203. MISCELLANEOUS PROVISIONS.**

10 (a) AMENDMENTS TO THE ETHICS IN GOVERNMENT
 11 ACT.—Section 102(a)(2)(B) of the Ethics in Government
 12 Act (5 U.S.C. 102, App. 6) is amended by adding at the
 13 end thereof the following: “Reimbursements accepted by
 14 a Federal agency pursuant to section 1353 of title 31,
 15 United States Code, or deemed accepted by the Senate or
 16 the House of Representatives pursuant to Rule XXXV of
 17 the Standing Rules of the Senate or clause 4 of Rule
 18 XLIII of the Rules of the House of Representatives shall
 19 be reported as required by such statute or rule and need
 20 not be reported under this section.”.

21 (b) REPEAL OF OBSOLETE PROVISION.—Section 901
 22 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is re-
 23 pealed.

24 (c) SENATE PROVISIONS.—

1 (1) AUTHORITY OF THE COMMITTEE ON RULES
2 AND ADMINISTRATION.—The Senate Committee on
3 Rules and Administration, on behalf of the Senate,
4 may accept gifts provided they do not involve any
5 duty, burden, or condition, or are not made depend-
6 ent upon some future performance by the United
7 States. The Committee on Rules and Administration
8 is authorized to promulgate regulations to carry out
9 this section.

10 (2) FOOD, REFRESHMENTS, AND ENTERTAIN-
11 MENT.—The rules on acceptance of food, refresh-
12 ments, and entertainment provided to a Member of
13 the Senate or an employee of such a Member in the
14 Member's home State before the adoption of reason-
15 able limitations by the Committee on Rules and Ad-
16 ministration shall be the rules in effect on the day
17 before the effective date of this title.

18 (d) HOUSE PROVISION.—The rules on acceptance of
19 food, refreshments, and entertainment provided to a Mem-
20 ber of the House of Representatives or an employee of
21 such a Member in the Member's home State before the
22 adoption of reasonable limitations by the Committee on
23 Standards of Official Conduct shall be the rules in effect
24 on the day before the effective date of this title.

1 **SEC. 204. EXERCISE OF CONGRESSIONAL RULEMAKING**
 2 **POWERS.**

3 Sections 201, 202, 203(c), and 203(d) of this title
 4 are enacted by Congress—

5 (1) as an exercise of the rulemaking power of
 6 the Senate and the House of Representatives, re-
 7 spectively, and pursuant to section 7353(b)(1) of
 8 title 5, United States Code, and accordingly, they
 9 shall be considered as part of the rules of each
 10 House, respectively, or of the House to which they
 11 specifically apply, and such rules shall supersede
 12 other rules only to the extent that they are inconsis-
 13 tent therewith; and

14 (2) with full recognition of the constitutional
 15 right of either House to change such rules (insofar
 16 as they relate to that House) at any time and in the
 17 same manner and to the same extent as in the case
 18 of any other rule of that House.

19 **SEC. 205. EFFECTIVE DATE.**

20 This title and the amendments made by this title
 21 shall take effect on May 31, 1995.

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